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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUL - 8 2005

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Negotiated Channel Election Arrangements)
)
Second Periodic Review of the)
Commission's Rules and Policies)
Affecting the Conversion to)
Digital Television.)

MM Docket No. 03-15

RM 9832

To: The Commission

JOINT APPLICATION FOR REVIEW

Submitted By

**INDEPENDENCE PUBLIC MEDIA
OF PHILADELPHIA, INC.**

NBC TELEMUNDO LICENSE CO.

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July 8, 2005

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SUMMARY

Independence Public Media of Philadelphia, Inc. ("Independence") and NBC Telemundo License Co. ("NBC Telemundo") hereby request that the Commission review the Media Bureau's June 8, 2005 *Report and Order* rejecting the negotiated channel arrangement ("NCA") between Independence and NBC Telemundo.

Pursuant to the Commission's encouragement, Independence and NBC Telemundo negotiated an agreement that furthers the Commission's goals for the digital transition by resolving difficult channel assignment issues. In addition, the NCA serves the public interest by providing in-kind technical support to an independent, noncommercial educational broadcaster that provides programming targeted to minority and ethnic groups in the Philadelphia area.

Despite the public interest benefits offered by the NCA, the Media Bureau rejected it. The Bureau's decision protects the future interests of ABC, Inc., a licensee that had the opportunity to participate in an NCA with Independence but chose not to do so. The decision also places NBC Telemundo, the holder of an out-of-core DTV channel and a severely restricted and compromised analog channel, in an untenable position.

By rejecting the NCA, the Bureau not only rewards ABC for its unwillingness to negotiate and its efforts to derail the agreement that NBC Telemundo was willing to negotiate, but also deprives Independence of valuable benefits critical for its continued service to the public. It also adversely affects the channel election rights of NBC Telemundo, restricts its options, and creates a situation in which more stations face continued post-transition uncertainty.

In the interest of resolving a difficult channel assignment issue, and providing a noncommercial educational broadcaster with much-needed services, Independence and NBC Telemundo urge the Commission to reverse the Bureau and approve their NCA.

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To: The Commission

JOINT APPLICATION FOR REVIEW

Independence Public Media of Philadelphia, Inc. ("Independence") and NBC Telemundo License Co. ("NBC Telemundo"), by their attorneys, hereby submit this Application for Review of the June 8, 2005 *Report and Order* of the Media Bureau rejecting the negotiated channel arrangement ("NCA") between Independence and NBC Telemundo.¹

One of the Commission's highest priorities has been the prompt resolution of the nation's transition to digital television. In several different contexts, the Commission has encouraged parties to negotiate resolutions to issues created by the digital transition and has attempted to resolve any remaining uncertainty as quickly as possible. The NCA entered into between Independence and NBC Telemundo with respect to their Philadelphia television stations serves the public interest and the Commission's goals for the digital transition by resolving difficult channel assignment issues through a negotiated agreement, as the Commission encouraged parties to do in its *Second DTV Periodic Review Report and Order*, 19 FCC Rcd 18279 (2004) ("*Second Report & Order*"). In addition, the NCA provides much-needed support to a

¹ Negotiated Channel Election Arrangements, *Report and Order*, DA 05-1619, paras. 14-16; 25 (released June 8, 2005) ("*Bureau Order*").

deserving, independent noncommercial educational broadcaster that provides unique, locally-oriented programming which serves a variety of under-served audiences, including minority and ethnic groups, in the nation's fourth-largest Designated Market Area ("DMA").

Despite the substantial public interest benefits offered by the NCA, the Media Bureau rejected it for reasons that cannot be sustained. In so doing, the Bureau has unfairly and improperly favored one station in the Philadelphia DMA, licensed to ABC, Inc. ("ABC"), to the detriment of the stations licensed to Independence and NBC Telemundo, as well as the viewing public. Accordingly, Independence and NBC Telemundo submit this Application for Review of the *Bureau Order* and urge the Commission to reverse the *Bureau Order* and approve the NCA.

I. BACKGROUND

Independence is the licensee of noncommercial educational TV station WYBE, Philadelphia, Pennsylvania, NTSC channel 35 and DTV channel 34. NBC Telemundo is the licensee of TV station WCAU, Philadelphia, Pennsylvania, NTSC channel 10 and DTV channel 67. ABC is the licensee of WPVI-TV, Philadelphia, Pennsylvania, NTSC channel 6 and DTV channel 64.

Because both of Independence's channels are in-core, and both NBC Telemundo and ABC have out-of-core DTV channels for their stations, Independence, through intermediary BIA Capital Strategies, LLC, sent letters to both ABC and NBC Telemundo on January 24, 2005, to inquire as to the interest of either to enter into an NCA. Only NBC Telemundo expressed interest in an agreement. On February 10, 2005, Independence and NBC Telemundo entered into the NCA at issue here, which provides that Independence will operate post-transition on its current analog channel, 35, and NBC Telemundo will operate in DTV on Independence's relinquished digital channel, 34. The parties then filed their first round channel elections based on, and in conformance with, this agreement. ABC subsequently filed an objection to the digital

channel elections and NCA of Independence and NBC Telemundo.² ABC argued that the NCA would have an adverse impact on ABC's channel election rights, circumvent the Commission's public interest-based procedure for resolving channel election conflicts, undermine the public interest goals of NCAs and result in anticompetitive effects.

Independence and NBC Telemundo filed a joint reply, stating that the NCA did not adversely affect ABC's channel rights and that the NCA complies fully with the Commission's rules and policies, accomplishes the goal of facilitating the digital transition, and provides appropriate and needed assistance to a local, noncommercial educational station in the Philadelphia DMA.³

The Media Bureau rejected the NCA in the *Bureau Order* at issue here. The Bureau agreed with ABC that the NCA would have an adverse impact on ABC's channel election rights. Although ABC has no claim to either of Independence's channels, the Bureau stated: "Licensees such as ABC, which have an out-of-core channel and a low VHF channel which has been released . . . have second round election rights to all channels remaining after completion of the first round. The NCA between Independence and NBC, which removes one of Independence's channels from the pool of channels available for round two selectors, clearly has an adverse impact on ABC."⁴ The Bureau also noted that its engineering analysis indicated that Independence's proposed digital operation on channel 35 would result in interference to two other protected DTV stations.⁵

² Objection of ABC, Inc. (filed March 15, 2005) ("*ABC Objection*").

³ Joint Reply to Objection of ABC, Inc. (filed March 22, 2005) ("*Joint Reply*").

⁴ *Bureau Order* at para. 16.

⁵ *Id.*

The *Bureau Order*, while protecting ABC's future interests, ignores the interests of Independence and NBC Telemundo and fails to recognize the substantial public interest benefits of this NCA. The *Bureau Order* also improperly relies on interference concerns as a basis for rejecting the NCA. Accordingly, Independence and NBC Telemundo respectfully request that the Commission review and reverse the *Bureau Order*, approve the NCA between Independence and NBC Telemundo, and accept Independence's proposed technical amendment.

II. THE BUREAU ORDER, BY ENABLING A SINGLE STATION TO DERAIL ANY EFFORT AT A NEGOTIATED SOLUTION, FAILS TO RECOGNIZE OR ADDRESS THE IMPOSSIBLE CIRCUMSTANCES THAT PRIOR COMMISSION ACTIONS HAVE IMPOSED ON PHILADELPHIA VIEWERS AND NBC TELEMUNDO.

One of the Commission's highest priorities has been the prompt resolution of the nation's transition to digital television. In several different contexts, the Commission has encouraged parties to negotiate resolutions to issues created by the digital transition and has attempted to resolve any remaining uncertainty as quickly as possible. Yet the *Bureau Order* has instead exacerbated uncertainty relating to the digital transition and threatens the ultimate loss of NBC network service to millions of viewers in the nation's fourth largest television market.

WCAU, the NBC owned and operated station in Philadelphia, cannot utilize either of its current channel allotments post-transition and continue to serve the station's existing analog viewers. While the *Bureau Order* recognizes the concerns of ABC and ultimately favors ABC by rejecting the NCA, it fails to recognize or address the even more untenable position of the NBC station serving Philadelphia. As noted in the *Bureau Order*, the Commission has allotted WPVI-TV an out-of-core DTV channel and the station currently broadcasts in analog on a low

VHF channel that ABC voluntarily has released in order to participate in the second round of DTV elections.⁶

NBC Telemundo also has an out-of-core DTV channel, and its analog channel, 10, has been severely compromised by past Commission actions to the point of being unable even to approach the extent of WCAU's long-established service areas post-transition. First, the Commission authorized (over NBC Telemundo's objections) nearby WHTM-DT, Harrisburg, Pennsylvania, to change its digital channel from 57 to 10.⁷ WHTM-DT has since been constructed, maximized, and licensed on channel 10. Second, the Commission approved the maximization of facilities of WBPH-DT on channel 9, in nearby Bethlehem, Pennsylvania. As a result, a WCAU that tries to operate on channel 10 post-transition would have to operate with such low power that millions of its current viewers would no longer receive its signal.⁸

Thus, unlike ABC, NBC Telemundo does not have the option of selecting its current analog channel for WCAU's permanent DTV operations. Indeed, based on the Engineering Statement of Hammett & Edison attached hereto ("*Engineering Statement*"), use of channel 10 would reduce WCAU-DT's coverage to less than 60 percent of the NBC-affiliated station's established analog population coverage based on the threshold signal coverage level of 36 dBu. That replication percentage is substantially worse than the level of replication deemed as minimally acceptable by the Commission in order to retain signal interference protection.⁹ It is likewise far worse than the loss of service allowed by the FCC as a result of interference from a

⁶ *Bureau Order* at para. 15.

⁷ Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Harrisburg, Pennsylvania), 17 FCC Rcd 22673 (Media Bureau, 2002).

⁸ *Joint Reply* at 2-3. A licensee allotted an out-of-core DTV channel may agree to accept interference on an in-core channel only so long as it is still able to serve all of its community of license. *Second Report and Order* at para. 55.

⁹ *Second Report & Order* at para. 78.

round one channel election, whereby any new interference greater than 0.1 percent of a station's service area resulted in Commission rejection. Worse yet, service for viewers relying on indoor antennas would be available on channel 10 to less than 1 percent of the population of the Philadelphia market.¹⁰

To prevent this devastating loss of over-the-air network service, NBC Telemundo took it upon itself to identify another possible digital channel and negotiated an agreement with Independence to use that channel. In so doing, NBC Telemundo devised a market-based solution to its digital channel dilemma, just as the Commission has encouraged parties to do, that has the added public interest benefit of assisting a noncommercial educational station in making the transition to full digital broadcasting and offering additional programming services to underserved viewers in the Philadelphia DMA. The Bureau, however, has arbitrarily and capriciously rejected that solution in favor of one station – WPVI-TV.

ABC, in contrast, has offered no evidence whatsoever that it cannot operate digitally on its analog channel 6 or even that such operation would be impaired. Instead, ABC has simply offered the bare assertion that because of the “well-known issues surrounding the suitability of channel 6 . . . , ABC was compelled to forego making a channel election for WPVI-DT in round one”¹¹ ABC's only support for this assertion is a citation to a footnote in the *Second Report & Order*, where the Commission stated: “Some commenters contend that in some cases low VHF channels *may* not offer licensees the ability to provide the best DTV service to the public Although the data are incomplete at this time, we are persuaded that low VHF licensees

¹⁰ *Engineering Statement* at 2.

¹¹ *ABC Objection* at 2.

should be afforded an additional opportunity to find a channel that may better serve the public.”¹² Nothing in this statement “compelled” ABC to forego making a channel election in round one. Indeed, the *Second Report and Order* gave ABC two viable options; relinquish channel 6 in round one and be treated as a two-out-of-core licensee or elect channel 6 and be given another opportunity in round three to elect another channel. NBC Telemundo did not have the latter option, despite its inability to use its analog channel 10 for its digital channel. Nothing in the record indicates that ABC would not be able to serve more people operating digitally on channel 6 than NBC Telemundo would be able to serve operating on its severely comprised analog channel 10. Accordingly, the Bureau had no evidence on which to base a decision that ABC would not be able to offer acceptable DTV service on channel 6. Accordingly, to elevate ABC’s private interest above the public interest, and the interests of Independence and NBC Telemundo.

The *Bureau Order* also undermines the Commission’s preferred method of resolving channel issues – market-based solutions, freely negotiated among interested parties – and ignores the channel election rights of NBC Telemundo. The Commission encouraged the use of NCAs because of the “beneficial results for the marketplace and consumers,” while stating that it also would consider “the effect on the channel election rights of, and interference impact on, any licensee not a party to the negotiated channel election agreement.”¹³ The Bureau’s interpretation of channel election rights, however, includes not only a station’s designated NTSC and DTV channels but also any possible future preferences that are not elected in the first round, and it therefore rejected this NCA in order to protect its expansive and unjustified view of ABC’s future channel election rights. Indeed, under the theory advanced by ABC, any station in any

¹² *Second Report & Order*, n. 129 (emphasis added).

¹³ *Second Report & Order* at para. 45.

market could have blocked an NCA simply by claiming a preference for a channel allotment involved in the NCA.

NBC Telemundo is not aware of any other station in the Philadelphia DMA facing the acute digital dilemma faced by NBC Telemundo. Instead of the obvious merits of NBC Telemundo's attempts at a negotiated solution, however, the Bureau's action creates a conflict for the second round of elections, which is precisely what NCAs and the channel election process are meant to avoid.¹⁴

III. THE PUBLIC INTEREST IS SERVED BY APPROVING THE NCA.

In addition to ignoring the channel election rights of NBC Telemundo, the *Bureau Order* ignores the substantial public interest benefits of this NCA. WYBE is an independent, noncommercial broadcast station that serves a variety of minority and ethnic groups in the fourth largest DMA. The station is not affiliated with PBS, but instead seeks to serve its racially and ethnically diverse audience by offering substantial amounts of locally-produced programming addressed to the special needs and interests of this audience.

Independence was founded by local citizens who saw a need for wider range of media options in the Philadelphia market. These citizens included filmmakers and other members of the creative community who devised a unique programming strategy which addressed the needs of Philadelphia's diverse communities through acquired and locally-produced programs in a variety of languages, encouraging communication and understanding among racial, religious, ethnic, and gender groups. WYBE occupies a unique position in the Philadelphia community; it dedicates a large portion of its daily schedule to international news, dramas from Europe and

¹⁴ See Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television, *Order Granting Further Extension of Time*, 20 FCC Rcd 1555, para. 2 (2005), noting that NCAs will "streamline the channel election process by reducing the overall number of interference conflicts requiring resolution."

Asia, and specials for the Latino and African American communities. The station broadcasts programs in 11 different languages.

WYBE offers programs that reach across racial, ethnic and gender barriers, providing a service to diverse and multi-cultural communities that lack representation elsewhere. The station's programming includes a daily, live, call-in series that highlights the cultures and issues of diverse communities; an independent film series featuring the work of Philadelphia filmmakers; and a locally-produced series featuring the best in independent film and video from Philadelphia and around the world. Each weeknight WYBE broadcasts four newscasts from other countries -- Germany (Deutsch Welle/in English), France (Le Journal/in French with English subtitles), Great Britain (BBC World News/in English), and Korea (in Korean). A list of programs by languages is attached hereto. In addition, WYBE is currently embarking on an effort to reach a larger audience by enriching its current schedule with additional local programming, and a parallel effort to upgrade its infrastructure and production capabilities.

WYBE is viewed by almost one million households each month. The station is also an active partner in neighborhoods, sponsoring community events, charities and festivals throughout the Philadelphia area.

Under the NCA, NBC Telemundo will provide consideration to Independence that furthers the public interest mission of WYBE. Such consideration includes equipment, including a new antenna, and technical services necessary for WYBE to transmit digitally on channel 35. The consideration also includes production equipment that will enable WYBE to provide additional noncommercial local programming, including electronic news gathering equipment which will allow WYBE to become a greater presence at community events; an engineering evaluation to assist in the identification and improvement of WYBE's picture quality; and a

promotional link to WYBE on WCAU's website, encouraging WCAU's large number of viewers and website visitors to learn more about WYBE's unique programming and community services.

These in-kind services will provide Independence with much-needed equipment, engineering, and promotional tools that are critical for WYBE's noncommercial, educational mission. Nothing could be a greater service to the public interest among Philadelphia television viewers. Therefore, the Commission should approve this NCA.

IV. THE COMMISSION'S REJECTION OF THE NCA BENEFITS NO ONE AND HARMS INDEPENDENCE AND NBC TELEMUNDO.

Although Independence notified both NBC Telemundo and ABC that Independence was willing to discuss an NCA, only NBC Telemundo attempted to resolve its untenable digital channel assignment by negotiating a channel arrangement with Independence. ABC chose not to pursue an NCA, evidently on the theory that it could release its VHF channel and obtain the channel it sought in a later round of elections. By rejecting the NCA, the Bureau does three things: (i) it rewards ABC for its unwillingness to negotiate and its efforts to derail the agreement that NBC Telemundo was willing to negotiate; (ii) it deprives Independence of valuable benefits critical for its continued service to the public; and (iii) it adversely affects the channel election rights of NBC Telemundo, restricts its options, and creates a situation in which two stations – WCAU and WPVI – will have to participate in round two, rather than just one. In fact it is likely that WCAU and WPVI will not resolve this conflict in round two and also will be participating in round three, with the Commission eventually having to find a DTV channel for one of the stations.

The Bureau's rejection of the NCA thus provides no real benefits to ABC, NBC Telemundo, the Commission or the public, and it affirmatively harms Independence and NBC Telemundo. It is very likely that NBC Telemundo and ABC both will specify Independence's released channel for permanent DTV operations, creating a similar conflict in round two; and

neither NBC Telemundo nor ABC will have incentive to settle their conflict in this round.¹⁵ This will force both parties to the round three, where again they will specify Independence's released channel, forcing the Commission to resolve the conflict, assigning Independence's released channel to either NBC Telemundo or ABC and selecting another channel for the other party. Because only one party can use the channel that Independence is relinquishing, and only one party was willing to negotiate an NCA for this channel, there is no reason to deprive Independence and its viewers and supporters of the negotiated benefits of this NCA.

V. THE BUREAU'S INTERFERENCE CONCERNS ARE UNFOUNDED AND ARE BASED ON AN UNANNOUNCED CHANGE IN THE COMMISSION'S INTERFERENCE-ANALYSIS SOFTWARE.

The Bureau attempted to bolster its unwarranted rejection of the NCA by claiming that WYBE operating digitally on channel 35 would cause unacceptable interference to the protected DTV channels for two television stations, WDCA and WITF-TV.¹⁶ This is incorrect. As the attached *Engineering Statement* demonstrates, the revised directional antenna pattern shown in Figure 1 fully protects these two stations. The need for the revised antenna pattern arises from an unannounced and fundamental change in the Bureau's processing software for interference analyses for which the parties must not be penalized.

Under the Commission's historical processing procedures, which the parties and their consulting engineers had every reason to believe were applicable to this technical proposal, the directional antenna pattern included with the proposed NCA would have protected these two stations. However, as explained more fully in the *Engineering Statement*, the Bureau – with no notice to the public – adopted new processing software which re-computes the baseline

¹⁵ The Commission's expectation that licensees will reach settlement agreements avoiding the necessity of having the Commission resolve their conflict after the third round of elections is unrealistic in this instance.

¹⁶ *Bureau Order* at para. 16.

population of protected stations where a DTV channel change is involved. The new software was only made available on the FCC's website as recently as June 14, 2005 – many months after the deadline for making round one elections had passed and with no public announcement of any sort alerting consulting engineers to this fundamental change.¹⁷ If the Commission had published and announced its proposed new software well in advance of the round one elections, of course, the conflicts identified in the *Bureau Order* would have been avoided in the first instance, but under the new procedures, a revised directional antenna pattern is required. The antenna pattern shown in Figure 3 of the *Engineering Statement* will fully protect WDCA and WITF-TV (and all other stations that are not part of the NCA) from interference. Because the Bureau (i) departed without notice from long-established procedures for interference analysis (under which the parties' original proposal was fully compliant) and (ii) did not make the new processing software available prior to round one, it cannot now reject the NCA or the revised antenna pattern on the basis of non-existent interference.¹⁸

Further, the Commission should not reject an NCA on the basis of purported interference to a digital channel that has not in fact been selected by a non-party station. In this case, WDCA has selected channel 20 as its final digital channel, not channel 35.

¹⁷ For the past several years, the FCC has based its determinations of so called "de minimis" interference on a reduction in the interference-free service population from a published baseline value. The data posted on June 14, 2005, show that the FCC is now considering only the change in predicted interference. When no channel change is involved from the original DTV allotment, the two methods yield the same result. However, when a channel change is involved, as is the case here, both the terrain-limited and interference-limited coverage will change, and the two methods of evaluating a change in interference lead to different conclusions. *Engineering Statement* at 2-4.

¹⁸ See *Salzer v FCC*, 778 F.2d 869 (DC Cir. 1985), at pp. 875-876.

VI. CONCLUSION.

For the foregoing reasons, the Commission should review and reverse the *Bureau Order*, approve the NCA between Independence and NBC Telemundo, and accept the proposed technical amendment filed by Independence.

Respectfully submitted,

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July 8, 2005



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Culture Trek:Jamaica
Culture Trek:Ireland



Programming at WYBE fulfills a deeply held mission to strengthen the sense of shared diverse cultures. WYBE has been busy producing more original programming than ever about what's new and what's to come.

For Program Guidelines and Program Submission Form Click Here!

Looking for more information on your favorite WYBE program?

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Black Focus TV

Irish

Ballykissangel
Out of Ireland
Ros Na Run (new!)

Armenian

Armenorama

Italian

RAI
Mondo Italiano
Zoom
Italian Soccer
Learn Italian

Arts & Crafts

Hands On Crafts for Kids
Sew Much Fun
Shay Pendray

Japanese

News Express

Australian

Water Rats

Kids

Big Comfy Couch
Cartooning with Blitz
Hands On Crafts for Kids
*Iris the Happy Professor
Redwall
Real Science!
Seven Color Bridge
The Shapiers
The Toy Castle

British

BBC America
Doctor Who
Hope and Glory
Monarch of the Glen
Lovejoy
McCallum (new!)
P.D. James Mystery (new!)
Tartan TV

Korean

Age of Warriors
Korean Broadcast System (in
To Be With You
So, This is Love
Yellow Handkerchief
Yellow Handkerchief (in Korea)
My Precious Child

Chinese

An Inch of Blood for an Inch of Land
Inside China

New Tang Dynasty Television

Cooking

Burt Wolf: What We Eat
Christina Cooks!
Ciao Italia
Cooking with Caprial and John
Hawaii Cooks with Ray Yamaguchi
Martin Yan's Chinatown
Mexico: One Plate at a Time
Simply Ming
Cooking with Mama

French

Le Journal
Gold

Gay & Lesbian

In Bed with Butch
In the Life
Under the Pink Carpet
Out Loud (WYBE Original Production)

Greek

Hellenic World

German

German Journal (in English & German)

Health

Body Electric
Classical Stretch Season
Classical Stretch Season 2
Sit and Be Fit
Wai Lana Yoga

Hispanic

Latin View
Gente (WYBE Original Production)

Indian

AVS
Bollywood World
Namaste America "Hello America"

My Sweetheart, My Darling

Local

Philadelphia Stories
Neighbors Project (WYBE Original P
Public Voices (WYBE Original Prodt
Wild About Philly

Music

More Than Music
World Music Tour
Urban Xpressions

Other

Color Vision
European Journal
I Spy
Motorweek
Global Lens (WYBE Original Producti
Small
International Film Festival (Saturd

Polish

The Name of Love
Polish Kaleidoscope

Russian

Russian Public Relevision

Scottish

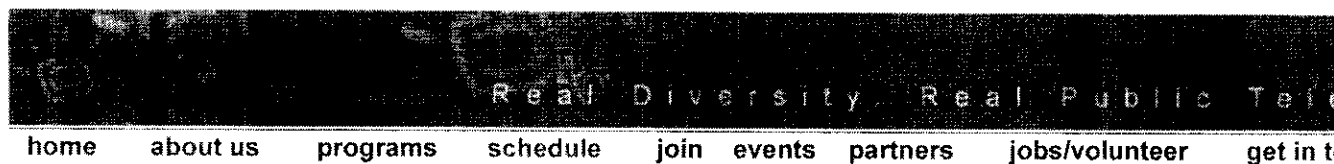
Tartan TV

Ukrainian

Ukrainian Melody
Kontakt

Travel

Burt Wolf: Travels & Tradition
Conde Nast
Globe Trekker
Rick Steves: Travels & Traditi



Daily

Overnight

Primetime

July 1-3

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	Friday	Saturday	
5pm	News Express (News from Japan)	Out of Ireland	
5:30	New Tang Dynasty Daily News (News from China)	Visionaries	
6	Le Journal (News from France)		
6:30	German Journal (News from Germany)	Mondo Italiano	
7	BBC World News Live!	More Than Music	
7:30	Public Voices		
8		International Film Festival: Metropolis (1927) (German)	
8:30	Hope & Glory	Short List	
9	Age of Warriors		
9:30			
10:00	In The Life <i>The Hidden Agenda</i>	Philadelphia Stories III	Pe
10:30			
11:00	Korean News & Drama (<i>MySweetheart</i> , <i>My Darling</i>) NEW!!!!	Red Dwarf	Ne

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Daily

Overnight

Primetime

July 4-10

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	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
5pm		News Express (News from Japan)				Out of Ireland	
5:30		New Tang Dynasty Daily News (News from China)				Visionaries	
6		Le Journal (News from France)				Mondo Italiano	
6:30		German Journal (News from Germany)					
7		BBC World News Live!					
7:30	Global Lens	Out Loud	Gente	Shades of Opinion	Public Voices	More Than Music	
8	Rosemary and Thyme	Monarch of the Glen	GOLD	Lovejoy	Hope & Glory	International Film Festival:	
8:30							
9	The Name of Love Polish Drama	Ros Na Run New Irish Drama!	Water Rats	Immortal Admiral Lee Soon Shin New Korean Drama	Immortal Admiral Lee Soon Shin New Korean Drama	Battle of Algiers (1965)	
9:30							
10:00	Presidential Conversations on the Constitution	Philadelphia Stories IV	Cuba: Illogical Temple	Black Focus TV: Correction	Under The Pink Carpet Les Ballets Grandiva In Bed With Butch	Philadelphia Stories III	F
10:30							
11:00		Korean News & Drama (MySweetheart, My Darling) NEW!!!!				Red Dwarf	Me

Click on the program to see the description

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by NBC Telemundo License Company, licensee of TV Station WCAU, Channels N10 and D67, and by Independence Public Media of Philadelphia, Inc., licensee of TV Station WYBE, Channels N35 and D34, both Philadelphia, Pennsylvania, to prepare an engineering statement in support of a Joint Application for Review in connection with a Negotiated Channel Agreement between the parties.

Background

A Negotiated Channel Agreement (“NCA”) between WYBE, WCAU, and WNJU¹ proposed, among other things, that WCAU would operate its post-transition DTV facilities on Channel D34 and WYBE would operate its post-transition DTV facilities on Channel D35, using a directional antenna specified as part of the NCA. In its June 8, 2005, Report and Order,² the Commission rejected the NCA for various reasons, noting that, “... our engineering analysis indicates that Independence’s proposed digital operation on channel 35 would result in impermissible interference to the protected DTV channel for WDCA, channel 35 (0.3%) and WITF-TV, channel 36, Harrisburg, Pennsylvania (2.5%), stations which are not parties to the NCA.”

Channel D10 is Not Suitable for DTV in Philadelphia

In Docket 87-268, the Commission decided that, while DTV operations during the transition period could be on any channel (2–69), DTV operations after the transition is complete would be only on Channels 2–51, that is the DTV “core” channel range. WCAU was allotted an out-of-core Channel 67 for use during the transition, and so must change to an in-core channel post-transition. The obvious choice, its existing NTSC Channel 10, is not suitable for several reasons. First, the FCC allotted DTV Channel 9 to WBPH-DT, Bethlehem, Pennsylvania,³ and Channel D10 to WHTM-DT, Harrisburg, Pennsylvania,⁴ both of which are close enough to Philadelphia as to preclude DTV operations on Channel D10 in that community. As shown in Figure 1, attached, WCAU-DT would require an effective radiated power (“ERP”) of approximately 6.76 kilowatts to replicate its licensed DTV coverage on Channel D10. A post-transition channel conflict study shows that, at that ERP, interference from WCAU-DT as Channel D10 would result to both WBPH-DT and WHTM-DT substantially in excess of the Commission’s 0.1% threshold.⁵

¹ Linden, New Jersey, also licensed to NBC Telemundo.

² Report and Order, Docket 03-15, Released June 8, 2005, p. 5.

³ Report and Order, MB Docket No. 02-81, released February 27, 2003.

⁴ Report and Order, MB Docket No. 01-208, released November 15, 2002.

⁵ Report and Order, MB Docket No. 03-15, FCC 04-192, Released September 7, 2004, p. 20.



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Second, WCAU-DT will not be able to replicate its DTV coverage on Channel D10. As discussed above, operation of WCAU-DT on Channel D10 would result in predicted impermissible interference to two other stations. Calculations show that in order to reduce the predicted interference to an acceptable level would require a power reduction by WCAU-DT to approximately 15 watts ERP. At that ERP, the predicted coverage of WCAU-DT would fall from the FCC's Table II⁶ value of 7,668,684 persons (2000 U.S. Census) to 5,165,615 persons, which would obviously fail to meet its certified replication requirement. In fact, at that low power level, coverage at a signal level appropriate for indoor antenna reception (36 dBu plus 20 dB) would fall to just 58,000 persons, which is 3.8% of the population of Philadelphia and just 0.77% of the population of the Philadelphia DMA.

WPVI Can Replicate Its DTV Coverage On Its NTSC Channel

In contrast with WCAU, Station WPVI-TV, Channels N06/D64, Philadelphia, can replicate its certified DTV coverage on its NTSC Channel without causing excessive interference to other stations. As shown in Figure 2, the ERP required for WPVI-TV to replicate its permitted DTV coverage on Channel D06 is 1.73 kW. As shown, this replicated operation causes no impermissible interference to any other station.

At the replication power level, the predicted interference-free population served on Channel D06 calculates to 9,173,259 persons. The FCC's Table II coverage population for WPVI is 8,277,752 persons, so operation on Channel D06 clearly meets the certified replication requirement.

Changes in FCC Analysis Procedures

Recalculation of Baseline Populations

The technical reasons underlying the Commission's rejection of the Negotiated Channel Agreement among WCAU, WYBE, and WNJU ("NCA") were investigated. Based upon new information posted to the FCC web site on June 14, 2005, it was determined that the Commission is using new software, which re-computes the baseline population of protected stations where a DTV channel change is involved. This procedure appears contrary to Paragraphs 36-37 of the September 7, 2004, MB Docket 03-15 Report and Order (R&O), where the Commission stated:

36. *Table of station assignment and service information.* As a preliminary matter to the channel election process, the Media Bureau will issue a table of station assignment and service information ("table of station information") for use by TV station licensees and other interested parties so they may determine and evaluate the DTV service populations to be used by the Commission to process stations' channel elections and create the new DTV table of

⁶ FCC Public Notice DA 04-3922, Table II, "1998 Station NTSC and DTV Replication Information," released December 21, 2004



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allotments. In developing the table of station information, the Commission will generally use the DTV and NTSC station locations and facilities authorized by license or construction permit (CP) as of October 1, 2004, a month before TV station licensees will be asked to file their Pre-Election Certification Forms. We will issue this table of station information prior to the filing of the Pre-Election Certification Forms. (We note that the Media Bureau imposed a freeze on the filing of certain TV and DTV requests for allotment or service area changes in anticipation of generating this table of station information.) The data provided in the table of station information will be based on the technical information on file in the Commission database. We will update the table of station information to reflect service areas based on certifications to build to replication or maximization facilities and any other changes to station facilities prior to the first round election date.

37. *Station service evaluations based on currently authorized operations.* As noted above, we will use current authorized station operations to determine and evaluate the DTV service populations in processing channel elections and creating the new DTV table of allotments. We believe that basing station service evaluations on current authorized station operations will more accurately reflect the current viewer access to station services than the parameters specified for the initial DTV Table of Allotments in 1997, and will at the same time preserve the service areas of those stations that constructed and are operating in accordance with the DTV buildout schedules. Consistent with MSTV *ex parte* submissions and discussions, we will define new interference as interference beyond that caused by NTSC and DTV operations, as described by the table of station information, in evaluating new interference to post-transition TV operations.

[Footnotes omitted, **bolding added.**]

The use of baseline populations different from those previously published by the Commission⁷ results in significant differences in the level of calculated interference.

Calculations Are Not Based on Interference-Free Service

Analysis of the data posted to the FCC web site on June 14, 2005, indicates that the FCC is not considering a reduction in interference-free service as the basis for determining changes in interference conditions. This is a significant departure from the procedures routinely used by the Commission in the processing of applications for new or modified DTV facilities. For the past several years, the FCC has based its determinations of so-called *de minimis* interference on a reduction in the interference-free service population from a published baseline value. The data posted on June 14, 2005, show that the FCC is now considering only the change in predicted interference. When no channel change is involved from the original DTV allotment, the two methods yield the same result. However, when a channel change is involved, as is the case here, both the terrain-limited and interference-limited coverage will change, and the two methods of evaluating a change in interference lead to different conclusions.

⁷ FCC Public Notice DA 04-3922, Table I, "Station Assignment and Service Information," released December 21, 2004.



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In this case, the Commission's analysis showed that the operation proposed in the NCA resulted in impermissible interference to two stations:⁸ WDCA, Washington, DC and WITF-TV, Harrisburg, Pennsylvania.

Analysis Software Not Available Prior to Round One Deadlines

The new software used by Commission staff to analyze post-transition channel elections and NCAs has required considerable time for study and evaluation, and its existence and details of operation were not made publicly known prior to the Round One filing deadlines. It seems inappropriate to penalize stations for relying upon long-established FCC procedures for interference analysis. If the Commission had published and announced its proposed new software well in advance of Round One, of course, the conflicts now identified would have been avoided.

Revised DA Pattern Allows Use of Channel D35 in Philadelphia

As discussed above, the Commission's changed processing procedures, which were not disclosed prior to the Round 1 filing deadlines, have resulted in an impermissible level of predicted interference to WDCA, Washington, DC and WITF-TV, Harrisburg, Pennsylvania. Under the Commission's historical processing procedures, the directional antenna ("DA") pattern included with the proposed NCA would have adequately protected these two stations, but under the new procedures, a different DA pattern is required. Based upon the data posted on the Commission's website on June 14, 2005, our calculations show that the DA pattern envelope shown in the attached Figure 3 will adequately protect WDCA and WITF-TV (and all other stations that are not part of the NCA) from interference under the Commission's new analysis procedures. The results of our channel conflict analysis using the proposed DA pattern are shown in the attached Figure 4.

The Commission Should Not Dismiss Channel Elections Having Conflicts Only To Non-Elected Final DTV Channels

The Commission's dismissal of the instant NCA involved interference to channels not elected by the station identified in the letter as their requested post-transition channel. For example, WDCA, Channels N20/D35, Washington, DC, elected Channel D20 as its post-transition channel; if WDCA-DT ultimately receives its elected D20, then the conflict between its allotted D35 and WYBE-DT as D35 would disappear. This channel election was known in advance of the NCA submission, and it was assumed that considerable weight would be given to that election during the NCA technical analysis. Although we realize that the Commission must keep open its options, to allow for the possibility that a station's elected channel may not ultimately be able to be accommodated, it seems reasonable to allow

⁸ Report and Order, Docket 03-15, Released June 8, 2005, *op. cit.*



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a “contingency” option for the case where the problem is only with a protected station's non-elected channel. The Commission should treat as contingent channel elections that only have a conflict with a DTV station's non-elected in-core DTV channel.

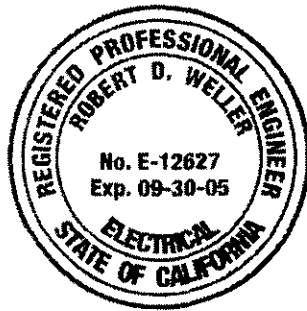
Alternatively, in the event of a conflict with a protected station's non-elected channel, it might be appropriate to allow an opportunity to obtain a “consent” letter from the protected station regarding its non-elected DTV channel, which would eliminate the conflict.

List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Channel conflict analysis results – WCAU-DT as Channel D10
2. Channel conflict analysis results – WPVI-TV as Channel D06
3. Proposed Directional Antenna pattern for WYBE-DT as Channel D35
4. Channel conflict analysis results – WYBE-DT as Channel D35.

July 8, 2005



/s/ **Robert D. Weller**

Robert D. Weller, P.E.



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TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing Interference from WCAU-DT as Channel D10

OET-69 Interference Analysis, 2000 Census
tvstudy v3.1.1

Channel-election conflict study, in-core only, DTV protection only

Station parameters:

	--Modified-----	--Original-----
Station:	D10 WCAU LIC	D67 WCAU LIC
City:	PHILADELPHIA, PA	PHILADELPHIA, PA
Facility ID:	63153	63153
Coordinates:	N 40-02-30.0	N 40-02-30.0
	W 75-14-11.0	W 75-14-11.0
Height AMSL:	441.1 m	441.1 m
Maximum ERP:	6.76 kW	560 kW
Azimuth pattern:	replication	omnidirectional
Orientation:	0.0	
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	36.0 dBu	43.2 dBu

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
D09 WBPB-TV CP BETHLEHEM, PA	2,917,973	-248,062	-8.5	189,652	6.5	15.00

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D10 WCAU LIC* PHILADELPHIA, PA	0	0	2,354,148	437,714
D08 WICZ-TV CP BINGHAMTON, NY	0	0	0	0
D08 WNJB CP NEW BRUNSWICK, NJ	241,112	8,080	241,112	8,080
D09 WVER CP RUTLAND, VT	0	0	0	0
D10 WHTM-TV LIC HARRISBURG, PA	0	0	0	0
N08+ WGAL LIC LANCASTER, PA	0	0	0	0
N08-A WPSJ-LP LIC HAMMONTON, ETC., NJ	0	0	0	0
N08-A WWPS-LP LIC HAWLEY, ETC., PA	0	0	0	0
N08zA WELL-CA LIC WILLOW GROVE, E, PA	0	0	0	0
N09+ WWOR-TV LIC SECAUCUS, NJ	2,705,552	1,749,377	2,705,552	544,337
N09- WSYR-TV LIC SYRACUSE, NY	25,273	1,134	25,273	1,134
N09z WUSA LIC WASHINGTON, DC	904,114	96,322	904,114	44,585

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing Interference from WCAU-DT as Channel D10

				Before		After		
Protected station			Base Pop	IX	Change %Base	IX	Change %Base	%Chng
D10	WHTM-TV GNT	HARRISBURG, PA	1,957,171	-62,671	-3.2	-4,760	-0.2	2.96

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D10 WCAU LIC* PHILADELPHIA, PA	0	0	126,961	57,911
D09 WBPH-TV CP BETHLEHEM, PA	0	0	0	0
D10 WTNH LIC NEW HAVEN, CT	0	0	0	0
D10 WVFX CP CLARKSBURG, WV	0	0	0	0
D11 WBRE-TV CP WILKES-BARRE, PA	2,571	1,394	2,571	1,143
N09z WUSA LIC WASHINGTON, DC	0	0	0	0
N10+ WAVY-TV LIC PORTSMOUTH, VA	143	0	143	0
N10+ WHEC-TV LIC ROCHESTER, NY	2,293	113	2,293	111
N10+A WAZT-CA LIC WOODSTOCK, VA	16,874	2,073	16,874	2,073
N10- WTAJ-TV LIC ALTOONA, PA	176,978	156,838	176,978	90,834
N10- WTEN LIC ALBANY, NY	629	0	629	0
N11- WBAL-TV LIC BALTIMORE, MD	4,211	240	4,211	240

				Before		After			
Protected station				Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D10	WTNH LIC	NEW HAVEN, CT	5,882,578	-17,748	-0.3	-17,748	-0.3	0.00	

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D10 WCAU LIC* PHILADELPHIA, PA	0	0	31,518	0
D10 WHTM-TV LIC HARRISBURG, PA	0	0	0	0
D11 WWLP CP SPRINGFIELD, MA	211,923	177,592	211,923	177,592
N09+ WWOR-TV LIC SECAUCUS, NJ	5,726	0	5,726	0
N09- WMUR-TV LIC MANCHESTER, NH	0	0	0	0
N10+ WJAR LIC PROVIDENCE, RI	929,390	525,399	929,390	525,399
N10- WCBB LIC AUGUSTA, ME	1,242	0	1,242	0
N10- WTEN LIC ALBANY, NY	424,945	53,068	424,945	51,688
N11+ WPIX LIC NEW YORK, NY	0	0	0	0
N11-A W28CT LIC HARTFORD, CT	0	0	0	0

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing Interference from WCAU-DT as Channel D10

				Before		After			
Protected station				Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D11	WBRE-TV CP	WILKES-BARRE, PA	2,421,634	8,396	0.3	8,941	0.4	0.02	

			Before		After	
Interfering station			Total IX	Unique IX	Total IX	Unique IX
D10 WCAU LIC*	PHILADELPHIA, PA		0	0	43,629	545
D10 WHTM-TV LIC	HARRISBURG, PA		3,444	1,631	3,444	1,631
D11 WVPT LIC	STAUNTON, VA		0	0	0	0
D11 WWLP CP	SPRINGFIELD, MA		0	0	0	0
D12 WNYT LIC	ALBANY, NY		0	0	0	0
N10+ WHEC-TV LIC	ROCHESTER, NY		0	0	0	0
N10- WTAJ-TV LIC	ALTOONA, PA		0	0	0	0
N10- WTEN LIC	ALBANY, NY		0	0	0	0
N11+ CHCHTV LIC	HAMILTON, ON		303	7	303	7
N11+ WPIX LIC	NEW YORK, NY		158,974	91,748	158,974	91,231
N11- WBAL-TV LIC	BALTIMORE, MD		141,422	74,752	141,422	46,827
N11-A W28CT LIC	HARTFORD, CT		0	0	0	0
N11z WENH-TV LIC	DURHAM, NH		0	0	0	0
N11z WPXI LIC	PITTSBURGH, PA		3,218	548	3,218	548
N11zA WONO-CA LIC	SYRACUSE, ETC., NY		0	0	0	0
N12- WBNG-TV LIC	BINGHAMTON, NY		27,725	26,868	27,725	26,868
N12z WHYI-TV LIC	WILMINGTON, DE		0	0	0	0

			Before		After		
Protected station		Base Pop	IX Change	%Base	IX Change	%Base	%Chng
N10+A WAZT-CA LIC	WOODSTOCK, VA	33,934	0	0.0	0	0.0	0.00

			Before		After	
Interfering station			Total IX	Unique IX	Total IX	Unique IX
D10 WCAU LIC*	PHILADELPHIA, PA		0	0	0	0
D10 WHTM-TV LIC	HARRISBURG, PA		0	0	0	0
D10 WVFX CP	CLARKSBURG, WV		0	0	0	0
D11 WVPT LIC	STAUNTON, VA		0	0	0	0
N09+L W09CP CP	CHARLOTTESVILLE, VA		0	0	0	0
N09z WUSA LIC	WASHINGTON, DC		0	0	0	0
N10+ WAVY-TV LIC	PORTSMOUTH, VA		0	0	0	0
N10- WTAJ-TV LIC	ALTOONA, PA		0	0	0	0
N10-L W10CE LIC	CHARLOTTESVILLE, VA		0	0	0	0
N10-L W10CR CP	SALISBURY, MD		0	0	0	0
N10z WSLs-TV LIC	ROANOKE, VA		0	0	0	0
N11nL W11AL LIC	FLINTSTONE, MD		0	0	0	0
N11nL W11AZ LIC	BERGTON-CRIDERS, VA		0	0	0	0

• Record parameters modified

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing No Interference from WPVI-DT as Channel D06

OET-69 Interference Analysis, 2000 Census
tvstudy v3.2

Channel-election conflict study, in-core only, DTV protection only

Station parameters:

	--Modified-----	--Original-----
Station:	D06 WPVI-TV CP	D64 WPVI-TV CP
City:	PHILADELPHIA, PA	PHILADELPHIA, PA
Facility ID:	8616	8616
Coordinates:	N 40-02-33.0	N 40-02-33.0
	W 75-14-33.0	W 75-14-33.0
Height AMSL:	456.0 m	456.0 m
Maximum ERP:	1.73 kW	500 kW
Azimuth pattern:	replication	omnidirectional
Orientation:	0.0	
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	28.0 dBu	43.0 dBu

Warning - some records had missing or bad data:

D06 WEDY CP Re-computed DTV baseline population

Protected station			Before			After		
			Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D06	WEDY CP	NEW HAVEN, CT	2,398,370	0	0.0	95	0.0	0.00

Interfering station			Before		After	
			Total IX	Unique IX	Total IX	Unique IX
D06	WPVI-TV CP*	PHILADELPHIA, PA	0	0	1,676	95
N05+	WNYW LIC	NEW YORK, NY	0	0	0	0
N05-	WCVB-TV LIC	BOSTON, MA	0	0	0	0
N06+	WLNE-TV LIC	NEW BEDFORD, MA	523,460	217,034	523,460	217,034
N06-	WCSH LIC	PORTLAND, ME	44,636	0	44,636	0
N06z	WRGB LIC	SCHENECTADY, NY	405,334	98,697	405,334	97,271

• Record parameters modified

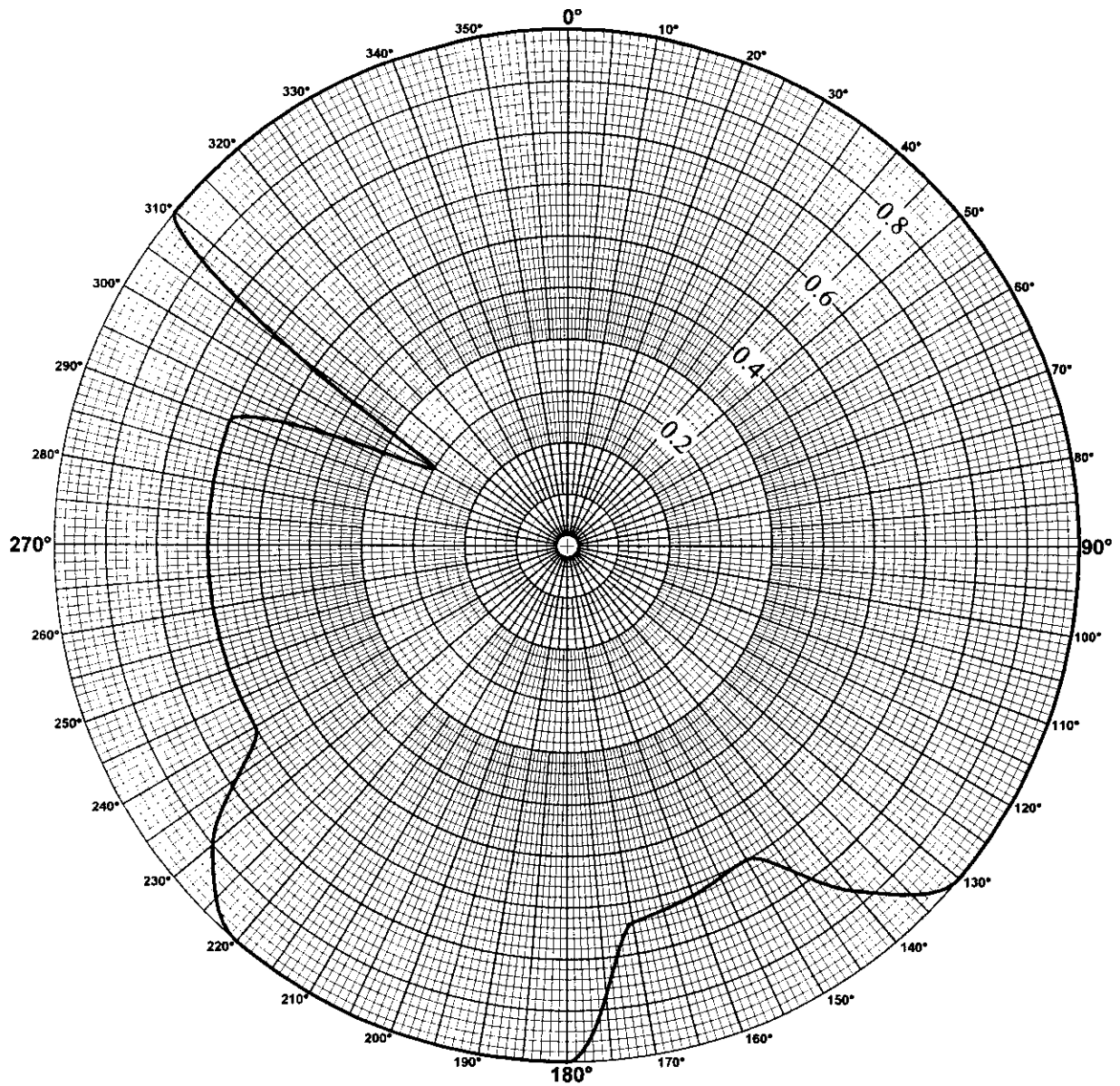


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Figure 2

DTV Station WYBE-DT • As Channel D35 • Philadelphia, Pennsylvania

Proposed Directional Antenna
Relative Field Pattern



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Figure 3

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing No Interference from WYBE-DT as Channel D35 Using Proposed Directional Antenna Pattern

OET-69 Interference Analysis, 2000 Census
tvstudy v3.2

Channel-election conflict study, in-core only, DTV protection only

After case parameters:

	--Modified-----	--Original-----
Station:	D35 WYBE LIC	D34 WYBE LIC
City:	PHILADELPHIA, PA	PHILADELPHIA, PA
Facility ID:	28480	28480
Coordinates:	N 40-02-30.0	N 40-02-30.0
	W 75-14-11.0	W 75-14-11.0
Height AMSL:	441.1 m	408.0 m
Maximum ERP:	358 kW	500 kW
Azimuth pattern:	post.apat	omnidirectional
Orientation:	0.0	
Elevation pattern:	OET-69 generic	OET-69 generic
Service level:	40.7 dBu	40.7 dBu

			Before		After		
Protected station	Base Pop	IX Change	%Base	IX Change	%Base	%Chng	
D34 WUSA LIC WASHINGTON, DC	7,093,111	-33,314	-0.5	-33,314	-0.5	0.00	

			Before		After	
Interfering station	Total IX	Unique IX	Total IX	Unique IX		
D35 WYBE LIC* PHILADELPHIA, PA	0	0	0	0		
D33 WHUT-TV CP WASHINGTON, DC	0	0	0	0		
D34 WJAC-TV CP JOHNSTOWN, PA	20,417	20,226	20,417	20,226		
D34 WSET-TV CP LYNCHBURG, VA	1,252	1,252	1,252	1,252		
D34 WYBE alot PHILADELPHIA, PA	0	0	0	0		
D35 WDCA CP WASHINGTON, DC	0	0	0	0		
N33+ WITF-TV LIC HARRISBURG, PA	0	0	0	0		
N34-A WARZ-LP CP SMITHFIELD/SELM, NC	0	0	0	0		
N34nA WQAV-LP LIC ATLANTIC CITY, NJ	24	0	24	0		
N34z WIVT LIC BINGHAMTON, NY	690	475	690	475		
N35+ WRLH-TV LIC RICHMOND, VA	0	0	0	0		

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

**Channel Conflict Analysis Showing No Interference from WYBE-DT as Channel D35
Using Proposed Directional Antenna Pattern**

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
D35 WDCA CP WASHINGTON, DC	6,981,635	-11,366	-0.2	-10,274	-0.1	0.02

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D35 WYBE LIC* PHILADELPHIA, PA	0	0	15,071	1,092
D34 WUSA LIC WASHINGTON, DC	0	0	0	0
D34 WYBE alot PHILADELPHIA, PA	0	0	0	0
D35 WOUC-TV CP CAMBRIDGE, OH	0	0	0	0
D36 WITF-TV LIC HARRISBURG, PA	0	0	0	0
D36 WTTG LIC WASHINGTON, DC	1,813	724	1,813	724
N35+ WRLH-TV LIC RICHMOND, VA	77,567	76,478	77,567	63,281
N35+A WYLN-LP LIC HAZLETON, PA	185	185	185	185
N35-A WCTX-CA LIC VIRGINIA BEACH, VA	0	0	0	0
N35-A WWKH-CA LIC UNIONTOWN, PA	0	0	0	0
N35-A WYFX-LP CP YOUNGSTOWN, OH	0	0	0	0
N35zA WBYD-CA LIC JOHNSTOWN, PA	0	0	0	0
N36zA WPMC-CA LIC MAPPSVILLE, VA	0	0	0	0

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
D35 WVIT LIC NEW BRITAIN, CT	4,093,123	796	0.0	6,289	0.1	0.13

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D35 WYBE LIC* PHILADELPHIA, PA	0	0	21,409	5,493
D34 WHPX LIC NEW LONDON, CT	150,859	150,659	150,859	150,659
D34 WMHT LIC SCHENECTADY, NY	2,079	1,626	2,079	1,212
D34 WNEU LIC MERRIMACK, NH	0	0	0	0
D35 WNDS CP DERRY, NH	8,603	5,031	8,603	5,031
D35 WWNY-TV CP CARTHAGE, NY	67	0	67	0
D36 WCDC-TV CP ADAMS, MA	5,912	4,315	5,912	4,315
D36 WNJU CP LINDEN, NJ	134,835	134,835	134,835	121,403
N35+A WYLN-LP LIC HAZLETON, PA	0	0	0	0
N35- WPME LIC LEWISTON, ME	15,053	9,800	15,053	9,800
N35zA WOBX-LP CP SYRACUSE, NY	0	0	0	0
N36+A W29BJ CP BURLINGTON, NY	0	0	0	0
N36z WSBE-TV LIC PROVIDENCE, RI	1,660	496	1,660	496

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

**Channel Conflict Analysis Showing No Interference from WYBE-DT as Channel D35
Using Proposed Directional Antenna Pattern**

			Before			After		
Protected station			Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D36	WITF-TV alot	HARRISBURG, PA	1,971,277	21,641	1.1	21,641	1.1	0.00

			Before		After		
Interfering station			Total IX	Unique IX	Total IX	Unique IX	
D35	WYBE LIC*	PHILADELPHIA, PA	0	0	0	0	
D35	WDCA CP	WASHINGTON, DC	0	0	0	0	
D36	WCDC-TV CP	ADAMS, MA	0	0	0	0	
D36	WMGM-TV CP	WILDWOOD, NJ	6,604	2,393	6,604	2,393	
D36	WNJU CP	LINDEN, NJ	14,068	8,996	14,068	8,996	
D36	WTTG LIC	WASHINGTON, DC	126,178	118,290	126,178	118,290	
D36	WYTV CP	YOUNGSTOWN, OH	0	0	0	0	
N35+A	WYLN-LP LIC	HAZLETON, PA	0	0	0	0	
N36+	WGPT CP	OAKLAND, MD	11,274	4,879	11,274	4,879	
N36+A	W29BJ CP	BURLINGTON, NY	0	0	0	0	
N36-	WENY-TV LIC	ELMIRA, NY	8,880	3,015	8,880	3,015	
N36zA	WHSB-CA CP	ROCHESTER, NY	0	0	0	0	
N36zA	WPMC-CA LIC	MAPPSVILLE, VA	0	0	0	0	

			Before			After		
Protected station			Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D36	WMGM-TV CP	WILDWOOD, NJ	740,107	-3,933	-0.5	-3,933	-0.5	0.00

			Before		After		
Interfering station			Total IX	Unique IX	Total IX	Unique IX	
D35	WYBE LIC*	PHILADELPHIA, PA	0	0	0	0	
D36	WITF-TV LIC	HARRISBURG, PA	0	0	0	0	
D36	WNJU CP	LINDEN, NJ	1,723	1,442	1,723	200	
D36	WTTG LIC	WASHINGTON, DC	1,017	736	1,017	682	
N36-	WENY-TV LIC	ELMIRA, NY	0	0	0	0	
N36zA	WPMC-CA LIC	MAPPSVILLE, VA	0	0	0	0	
N36zA	WPMC-CA LIC	MAPPSVILLE, VA	0	0	0	0	



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Figure 4C

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing No Interference from WYBE-DT as Channel D35 Using Proposed Directional Antenna Pattern

Protected station			Before			After		
			Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D36	WNJU CP	LINDEN, NJ	19,819,594	-25,536	-0.1	135,650	0.7	0.81

Interfering station			Before		After	
			Total IX	Unique IX	Total IX	Unique IX
D35	WYBE LIC*	PHILADELPHIA, PA	0	0	190,507	161,186
D35	WVIT LIC	NEW BRITAIN, CT	5,311	315	5,311	315
D36	WCDC-TV CP	ADAMS, MA	137,322	104,209	137,322	104,209
D36	WITF-TV LIC	HARRISBURG, PA	1,343	936	1,343	936
D36	WMGM-TV CP	WILDWOOD, NJ	57,627	46,562	57,627	19,973
D36	WTTG LIC	WASHINGTON, DC	2,058	71	2,058	71
N35+A	WYLN-LP LIC	HAZLETON, PA	0	0	0	0
N36+A	W29BJ CP	BURLINGTON, NY	605	490	605	490
N36-	WENY-TV LIC	ELMIRA, NY	8,502	2,433	8,502	2,433
N36z	WSBE-TV LIC	PROVIDENCE, RI	41,255	8,325	41,255	8,325
N36zA	WHSB-CA CP	ROCHESTER, NY	0	0	0	0
N36zA	WPMC-CA LIC	MAPPSVILLE, VA	0	0	0	0

Protected station			Before			After		
			Base Pop	IX Change	%Base	IX Change	%Base	%Chng
D36	WTTG alot	WASHINGTON, DC	7,087,322	-258,790	-3.7	-258,790	-3.7	0.00

Interfering station			Before		After	
			Total IX	Unique IX	Total IX	Unique IX
D35	WYBE LIC*	PHILADELPHIA, PA	0	0	0	0
D35	WDCA CP	WASHINGTON, DC	6,681	5,573	6,681	5,573
D36	WITF-TV LIC	HARRISBURG, PA	136,399	116,575	136,399	116,575
D36	WMGM-TV CP	WILDWOOD, NJ	20,782	11,698	20,782	11,698
D36	WNJU CP	LINDEN, NJ	438	0	438	0
D36	WPXR LIC	ROANOKE, VA	0	0	0	0
D36	WYTV CP	YOUNGSTOWN, OH	0	0	0	0
N35+	WRLH-TV LIC	RICHMOND, VA	0	0	0	0
N36+	WGPT CP	OAKLAND, MD	22,053	10,057	22,053	10,057
N36-	WENY-TV LIC	ELMIRA, NY	1,510	0	1,510	0
N36-	WUNP-TV LIC	ROANOKE RAPIDS, NC	832	277	832	277
N36zA	WPMC-CA LIC	MAPPSVILLE, VA	81	0	81	0

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing No Interference from WYBE-DT as Channel D35 Using Proposed Directional Antenna Pattern

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
N28+A WFLA-CA LIC PHILADELPHIA, PA	2,023,146	1,846	0.1	1,846	0.1	0.00

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D35 WYBE LIC* PHILADELPHIA, PA	0	0	0	0
D26 KYW-TV CP PHILADELPHIA, PA	92,444	0	92,444	0
D27 WGTW-TV CP BURLINGTON, NJ	109,364	0	109,364	0
D28 WFPT LIC FREDERICK, MD	0	0	0	0
D28 WNBC CP NEW YORK, NY	230,918	0	230,918	0
D29 WFME-TV LIC WEST MILFORD, NJ	0	0	0	0
D31 WPPX LIC WILMINGTON, DE	0	0	0	0
D32 WPSG LIC PHILADELPHIA, PA	1,846	0	1,846	0
D42 WTXF-TV CP PHILADELPHIA, PA	0	0	0	0
D43 WNJT LIC TRENTON, NJ	0	0	0	0
N27+L WEVD-LP LIC DOVER, DE	0	0	0	0
N28+A WAZF-CA LIC FRONT ROYAL, VA	0	0	0	0
N28+A WUTH-CA CP HARTFORD, CT	0	0	0	0
N28n WCPB LIC SALISBURY, MD	1,236,806	0	1,236,806	0
N28z WBRE-TV LIC WILKES-BARRE, PA	110,249	0	110,249	0
N28zA W28AJ LIC ALLINGTOWN, CT	0	0	0	0
N29z WTXF-TV LIC PHILADELPHIA, PA	1,990,184	726,972	1,990,184	726,972
N43+L W55BS CP BELVIDERE, NJ	0	0	0	0
N43z WPMT LIC YORK, PA	0	0	0	0
N43zL WXNY-LP CP NEW YORK, NY	0	0	0	0

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
N34nA WQAV-LP LIC ATLANTIC CITY, NJ	156,528	0	0.0	0	0.0	0.00

Interfering station	Before		After	
	Total IX	Unique IX	Total IX	Unique IX
D35 WYBE LIC* PHILADELPHIA, PA	0	0	0	0
D34 WHPX LIC NEW LONDON, CT	0	0	0	0
D34 WUSA LIC WASHINGTON, DC	0	0	0	0
D34 WYBE alot PHILADELPHIA, PA	0	0	0	0
D36 WMGM-TV CP WILDWOOD, NJ	0	0	0	0
D49 WWSI LIC ATLANTIC CITY, NJ	0	0	0	0
N33zL WXSI-LP CP CAMDEN, NJ	0	0	0	0
N34+L W34DI CP PORT JERVIS, NY	0	0	0	0
N34-L W60AL CP ONANCOCK, VA	0	0	0	0
N34-L WPXO-LP LIC EAST ORANGE, NJ	0	0	0	0
N48- WGTW-TV LIC BURLINGTON, NJ	0	0	0	0



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Figure 4E

TV Station WCAU • Channels N10/D67 • Philadelphia, Pennsylvania

Channel Conflict Analysis Showing No Interference from WYBE-DT as Channel D35 Using Proposed Directional Antenna Pattern

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
N35+A WYLN-LP LIC HAZLETON, PA	63,466	0	0.0	1,888	3.0	2.97

Interfering station			Before		After	
			Total IX	Unique IX	Total IX	Unique IX
D35 WYBE LIC*	PHILADELPHIA, PA		0	0	2,005	1,888
D31 WSWB CP	SCRANTON, PA		0	0	0	0
D32 WQPX CP	SCRANTON, PA		0	0	0	0
D35 WDCA CP	WASHINGTON, DC		0	0	0	0
D35 WVIT LIC	NEW BRITAIN, CT		0	0	0	0
D36 WITF-TV LIC	HARRISBURG, PA		0	0	0	0
D49 WNEP-TV CP	SCRANTON, PA		0	0	0	0
N35+L W35BK LIC	PLAINFIELD, MA		0	0	0	0
N35+L W35BT LIC	HARRISBURG, PA		251	251	251	134
N35-L WNGN-LP CP	TROY, NY		0	0	0	0
N35zA WOBX-LP CP	SYRACUSE, NY		0	0	0	0
N35zL W35BU CP	OCEAN CITY, MD		0	0	0	0
N35zL W36AZ CP	SUSSEX, NJ		0	0	0	0
N35zL WNYX-LP LIC	NEW YORK, NY		0	0	0	0

Protected station	Base Pop	Before		After		%Chng
		IX Change	%Base	IX Change	%Base	
N38-A WPHA-CA LIC PHILADELPHIA, PA	2,044,825	176,646	8.6	176,646	8.6	0.00

Interfering station			Before		After	
			Total IX	Unique IX	Total IX	Unique IX
D35 WYBE LIC*	PHILADELPHIA, PA		0	0	0	0
D31 WPPX LIC	WILMINGTON, DE		0	0	0	0
D34 WYBE alot	PHILADELPHIA, PA		0	0	0	0
D38 WJZ-TV LIC	BALTIMORE, MD		6,843	1,456	6,843	1,456
D38 WWOR-TV CP	SECAUCUS, NJ		157,973	25,395	157,973	25,395
D42 WTXF-TV CP	PHILADELPHIA, PA		149,795	11,830	149,795	11,830
N38+ WSWB LIC	SCRANTON, PA		0	0	0	0
N38-L W38AN LIC	CHAMBERSBURG, PA		0	0	0	0
N38-L WHCT-LP CP	HARTFORD, CT		0	0	0	0
N38nL W38BN LIC	SALISBURY, MD		0	0	0	0
N39-A WDVb-CA LIC	EDISON, NJ		0	0	0	0
N39z WLVT-TV LIC	ALLENTOWN, PA		0	0	0	0

* Record parameters modified



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Figure 4F

CERTIFICATE OF SERVICE

I, Nellie Martinez-Redicks, a secretary at the law firm of Drinker Biddle & Reath LLP, certify that on this 8th day of July 2005 I caused the foregoing Application for Review to be served by first-class mail, except where hand delivery is indicated, on the following:

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